



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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No. 29 Dispur, Saturday, 6th January, 2024, 16th Pausa, 1945 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
FINANCE (ESTABLISHMENT-B) DEPARTMENT

NOTIFICATION

The 11th December, 2023

No. 392038/1.- In exercise of the powers conferred by Section 55 of the Assam Public Procurement Act, 2017 (Assam Act No. XXIV of 2017), the Governor of Assam is hereby pleased to notify the following rules to further amend the Assam Public Procurement Rules, 2020, hereinafter referred to as the principal rules, namely:

Short Title and Commencement 1 (1) These rules may be called the Assam Public Procurement (Amendment) Rules, 2023.
(2) They shall come into force on the date of publication in the Official Gazette.

Amendment of Rule 23 2 In the principal rules, in Rule 23,

i. In sub-rule (4), for clause (ii), the following shall be substituted, namely:

"(ii) Prior to the expiry of the period of validity of bids, the procuring entity, in exceptional circumstances, may request the bidders to extend the bid validity period for a specified additional period of time. A bidder, by option, may refuse the request and such refusal shall be treated as withdrawal of bid but in such cases the bid security shall not be forfeited. Under no circumstances, a bid whose validity has already expired shall be extended."

ii. In sub-rule (12),

- a. In clause (i), for sub-clause (u), the following shall be substituted, namely:

"(u) Claim of registered Micro and Small Enterprises bidders located in the State for price preference in terms of the latest Assam Procurement Preference Policy, if any."

- b. For clause (ii), the following shall be substituted, namely:

"(iii) Bids that are not responsive or contain any material deviation shall be rejected as prescribed in sub-rule (13) or Rule 23."

iii. In sub-rule (16), for clause (iii), the following shall be substituted, namely:

"(iii) Bids that are not responsive or contain any material deviation shall not be rejected as prescribed in sub-rule (13) or rule 23."

**Amendment of
Rule 24**

3 In the principal rules, in rule 24,

i. In sub-rule (I),

- a. In clause (iii), for sub-clause (b), the following shall be substituted, namely:

"(b) The period of the rate contract shall be clearly indicated in the Notice Inviting Bids and the other Bidding Documents. The period of rate contracts shall normally be one year from the date of contract but may be shorter if the procurement entity arrives at a reasoned conclusion that market prices would fall significantly in the short term. A shorter period may be selected and specified in the bidding documents by the procuring entity after recording the reasons thereof in writing in the case file which shall form part of the procurement records."

- b. For clause (viii), the following shall be substituted, namely:

"(viii) The procuring entities shall ensure new rate contracts become operative right after the expiry of the existing rate contracts without any gap. In case it is not possible to conclude the new rate contracts due to unavoidable reasons, the existing rate contracts may be extended at the same rates, terms and conditions for a further period not exceeding another one year after ascertaining that the wholesale market prices of the subject matter of procurement or its constituents have not fallen during the period."

- c. after clause (ix), the following new clause (x) shall be inserted, namely:

"(x) For procurements using rate Contract, if it is estimated that the value of procurement shall exceed beyond the e-procurement threshold in a Financial Year, then the Rate Contract has to be done mandatorily through the e-procurement mode. For Rate Contracts done through offline mode, the procuring entity should ensure that the e-procurement threshold is not crossed during the entirety of the contract period and extension (if any)."

- ii. In sub-rule (J), after clause (vi), a new clause (vii) shall be inserted, namely:

"(vii) All procurements using Framework Agreement (irrespective of the estimated value of procurement) will be mandatorily done through the approved e-procurement portal."

This notification shall come into force with immediate effect.

JAYANT NARLIKAR,

Commissioner and Secretary to the Government of Assam,
Finance Department.